

**REPORT TO:** LICENSING BOARD - 25TH APRIL, 2002  
**REPORT ON:** LATE LICENCES  
**REPORT BY:** CLERK TO THE LICENSING BOARD  
**REPORT NO:** 315-2002

**1.0 PURPOSE OF REPORT**

To advise members of the outcome of the survey on Late Licenses, the findings of which are appended.

**2.0 RECOMMENDATIONS**

To note the outcome of the survey.

**3.0 FINANCIAL IMPLICATIONS**

There are no financial implications.

**4.0 LOCAL AGENDA 21 IMPLICATIONS**

None.

**5.0 EQUAL OPPORTUNITIES IMPLICATIONS**

None.

**6.0 CONSULTATION**

As outlined in the survey.

Signature .....  
Clerk to the Licensing Board

Date .....

**REPORT ON THE ANALYSIS OF REPLIES RECEIVED IN RESPONSE  
TO THE CONSULTATION ON LATE LICENCES**

1. 192 questionnaires were issued to those categories of persons listed at Appendix 1. A total of 66 replies were received. In addition, 9 members of the public also responded.
2. The consultation document set out the current policy and sought views as to whether there was a need to change this policy and, if so, what those changes should be.
3. A synopsis of replies received is attached at Appendix 2.
4. A list of comments made is attached at Appendix 3.

**Question 1: Is there a Need for a Change to the Policy?**

|   | Not Answered | Yes  | No | Undecided |
|---|--------------|------|----|-----------|
| % | 5.3          | 50.7 | 44 | -         |

- 66% of publicans surveyed indicated a change to the policy.
- 67% of members of the public indicated no change.
- 50% of nightclubs indicated a change.
- Tayside Police indicated a change.
- TACA indicated a change.
- The Director of Public Health indicated no change.

**Analysis of Replies:**

The responses indicate a slight majority in favour of a change to the policy. Specific changes however have not been stated in many replies. Additionally not all yes replies included a change to the hours of operation. Other reasons for change included treating hotels the same as pubs, removing the need for Regular Extensions to 12 midnight (ie changing the permitted hours), the need for an ongoing review in general and making applying simpler.

Answers such as the above are of course not necessarily in favour of a change in the hours of extensions and should therefore be classed as either no change or not answered depending on the individual comments made. This would result in the following % analysis:-

|   | Not Answered | Yes | No |
|---|--------------|-----|----|
| % | 15           | 40  | 45 |

**Question 2: Should there be a Policy for all Licensed Premises or only Public Houses and Entertainment Licences?**

|   | Not Answered | Yes | No  | Undecided |
|---|--------------|-----|-----|-----------|
| % | 13.3         | 76  | 6.7 | 4         |

- 70% of publicans indicated Yes.
- 83% of Council Departments indicated Yes.
- 78% of the public indicated Yes.

## Analysis of Replies:

There is a general consensus that the policy should apply to all licensed premises.

**Question 3: Should the Public Bar of Hotels be Subject to the Same Policy as that of Public Houses?**

|   | Not Answered | Yes  | No   | Undecided |
|---|--------------|------|------|-----------|
| % | 8            | 74.7 | 10.7 | 6.6       |

- 88% of publicans indicated Yes.
- 57% of Elected Members indicated Yes.
- Tayside Police indicated Yes.

## Analysis of Replies:

The majority of all categories of consultee are of the view that hotel bars should be subject to the same policy as that of public houses.

**Question 4: Should there be a Different Policy at Weekends?**

|   | Not Answered | Yes | No   | Undecided |
|---|--------------|-----|------|-----------|
| % | 12           | 40  | 46.7 | 1.3       |

- 75% of nightclubs indicated No.
- 47% of publicans indicated Yes.
- 50% of publicans indicated No.
- Tayside Police indicated Yes.

## Analysis of Replies:

The current policy makes no distinction between weekdays and weekends and there is no clear direction from the returns to indicate a departure.

**Question 5: Should Sunday be Treated Differently or is it Part of the Weekend?**

|   | Not Answered | Yes  | No   | Undecided |
|---|--------------|------|------|-----------|
| % | 8            | 29.3 | 58.7 | 4         |

- 76% of publicans indicated that Sunday is part of the weekend.
- 75% of Nightclubs indicated that Sunday is part of the weekend.

Analysis of Replies:

The current policy makes no distinction between Sunday and any other day of the week. The majority of respondents support this view.

**Question 6: Should there be a Zoning Policy?**

|   | Not Answered | Yes  | No   | Undecided |
|---|--------------|------|------|-----------|
| % | 10.6         | 34.7 | 46.7 | 8         |

- 61% of publicans indicated No.
- 67% of the public indicated Yes.
- 75% of nightclubs indicated No.
- Tayside Police indicated Yes.

Analysis of Replies:

There is a marked difference in the views of the trade and public. Determining the zone may be problematic as irrespective of where the boundary line is drawn some licensed premises and private dwellings will always be either just within or outwith the zone which could lead to some licensees or the public being aggrieved.

**Question 7: Should there be a Policy Regarding the Provision of Entertainment in Public Houses?**

|   | Not Answered | Yes | No   | Undecided |
|---|--------------|-----|------|-----------|
| % | 5.3          | 44  | 42.7 | 8         |

- 75% of Nightclubs indicated No.
- The majority (59%) of publicans indicated No.
- 67% of the public indicated Yes.
- Tayside Police indicated Yes.

Analysis of Replies:

There is a marked difference of opinion between the trade and the public.

However, providing the current byelaw is enforced noise complaints can be resolved.

**Question 8: Should the Policy Make a Distinction Between Different Types of Public House in the Same Area?**

|   | Not Answered | Yes | No   | Undecided |
|---|--------------|-----|------|-----------|
| % | 8            | 16  | 70.7 | 5.3       |

- The majority of publicans (85%) indicated No.
- 44% of the public indicated Yes.
- 44% of the public also indicated No.
- Tayside Police indicated No.

Analysis of Replies:

There is support to retain the existing extra hour for public houses with function suites used solely for private functions. There is, however, no clear direction as to any other changes.

**Question 9: Should there be a Policy at all?**

|   | Not Answered | Yes  | No | Undecided |
|---|--------------|------|----|-----------|
| % | 8            | 81.3 | 8  | 2.7       |

- Tayside Police indicated Yes.
- 88% of publicans indicated Yes.
- 75% of Nightclubs indicated Yes.

Analysis of Replies:

There is overwhelming support for a policy but no clear direction on the content of the policy itself.

DRAFT RECOMMENDATIONS

**"The following is based on an analysis of the responses only and may be subject to change following consultation with the Licensing Forum."**

The consultation exercise has reinforced the view that consensus amongst the various groups of consultees is virtually impossible to reach.

There is, however, general agreement that:-

1. There should be a policy;
2. It should apply to all premises; and
3. The bars of hotels should be treated in the same manner as public houses.

As regards extensions of hours beyond 12 midnight in public houses, there is insufficient evidence from the replies to come to the view that a departure from the present policy is warranted.

The policy, although some 20 years old, seems in the main still generally relevant and should therefore be retained, with minor amendments, as undernoted:-

1. Public Houses will be granted permission to open all day until midnight Mondays to Saturdays for the general public and on Sunday from 2.30 pm to 6.30 pm and 11 pm to 12 midnight.
2. Public Houses which have a Function Suite which is used solely for private functions and no other purpose will be granted Extensions until 1.00 am Mondays to Sundays. If the Function Suite doubles as a Lounge Bar then permission would not be granted beyond 12 midnight.

The Board's definition of "Private Function" and "Function Suite" is as undernoted:-

(i) **Function Suite**

A room having its own toilet facilities and entrance/exit, set aside, used solely for Private Functions and no other purpose. A Lounge Bar used on occasions for admittance of the general public does not qualify as a Function Suite.

(ii) **Private Function**

A Private Function involves the hire of the *whole Function Suite* for *one event* such as an Eighteenth Birthday Party, Twenty first Birthday, Wedding, Silver Wedding, Private Birthday Parties, Engagement Parties etc.

3. Night Clubs will be granted permission to open until 2.30 am daily, including Sundays and Casinos until 4.00 am.
4. The public and lounge bars of hotels will be treated in the same manor as public houses, ie regular extensions granted from 11 pm to 12 midnight Mondays to Sundays. Function suites in hotels will be granted extensions to 2.30 am Mondays to Sundays for private functions (as defined above).
5. Restaurants will be granted extensions until 2.30 am daily.
6. Refreshment Licences will be treated in the same manner as public houses.
7. Occasional extensions to 1 am for public houses and 3.30 am for nightclubs for City wide events as identified at the Licensing Forum will continue to be granted.

**LIST OF CONSULTEES**

Members of the Public  
All Members of the Council  
Council Departments  
Chamber of Commerce  
Dundee Licensed Trade Association  
Angus & Dundee Tourist Board  
Director of Public Health for Tayside  
Tayside Council on Alcohol  
Tayside Police  
Tayside Heath Board  
Community Councils  
Solicitors

Religious Organisations  
Trade Unions (TGWU & GMBTU)  
Justices of the Peace  
Sheriffs  
Clerk to the District Court  
University of Abertay  
University of Dundee  
Dundee College  
Northern College  
Publicans  
Nightclubs  
Hoteliers

**Synopsis of Replies**

APPENDIX 2

**Question 1 - Is there a need for a change to the Policy?**

|                                          | <b>Total</b> | <b>Yes</b> | <b>No</b> | <b>No Reply</b> | <b>Undecided</b> |
|------------------------------------------|--------------|------------|-----------|-----------------|------------------|
| <b>Publicans</b>                         | 34           | 66%        | 24%       | 10%             |                  |
| <b>Council Departments</b>               | 6            | 33%        | 50%       | 17%             |                  |
| <b>Members of the Public</b>             | 9            | 33%        | 67%       |                 |                  |
| <b>Council Members</b>                   | 7            | 43%        | 57%       |                 |                  |
| <b>Nightclubs</b>                        | 4            | 50%        | 50%       |                 |                  |
| <b>Hoteliers</b>                         | 1            |            | 100%      |                 |                  |
| <b>Casinos</b>                           | 1            | 100%       |           |                 |                  |
| <b>Bingo Halls</b>                       | 1            |            | 100%      |                 |                  |
| <b>District Court</b>                    | 1            |            | 100%      |                 |                  |
| <b>Dundee Licensed Trade Association</b> | 3            | 33%        | 67%       |                 |                  |
| <b>Community Council</b>                 | 3            |            | 100%      |                 |                  |
| <b>Dundee University</b>                 | 1            |            | 100%      |                 |                  |
| <b>Abertay University</b>                | 1            | 100%       |           |                 |                  |
| <b>Tayside Police</b>                    | 1            | 100%       |           |                 |                  |
| <b>TACA</b>                              | 1            | 100%       |           |                 |                  |
| <b>Director of Public Health</b>         | 1            |            | 100%      |                 |                  |

**Question 2 - Should there be a policy for all Licensed Premises or only Public Houses and Entertainment licences?**

|                                          | <b>Total</b> | <b>Yes</b> | <b>No</b> | <b>No Reply</b> | <b>Undecided</b> |
|------------------------------------------|--------------|------------|-----------|-----------------|------------------|
| <b>Publicans</b>                         | 34           | 70%        | 9%        | 21%             |                  |
| <b>Council Departments</b>               | 6            | 83%        |           | 17%             |                  |
| <b>Members of the Public</b>             | 9            | 78%        | 22%       |                 |                  |
| <b>Council Members</b>                   | 7            | 57%        |           | 14%             | 29%              |
| <b>Nightclubs</b>                        | 4            | 75%        |           | 25%             |                  |
| <b>Hoteliers</b>                         | 1            | 100%       |           |                 |                  |
| <b>Casinos</b>                           | 1            | 100%       |           |                 |                  |
| <b>Bingo Halls</b>                       | 1            | 100%       |           |                 |                  |
| <b>District Court</b>                    | 1            | 100%       |           |                 |                  |
| <b>Dundee Licensed Trade Association</b> | 3            | 100%       |           |                 |                  |
| <b>Community Council</b>                 | 3            | 100%       |           |                 |                  |
| <b>Dundee University</b>                 | 1            |            |           |                 | 100%             |
| <b>Abertay University</b>                | 1            | 100%       |           |                 |                  |
| <b>Tayside Police</b>                    | 1            | 100%       |           |                 |                  |
| <b>TACA</b>                              | 1            | 100%       |           |                 |                  |
| <b>Director of Public Health</b>         | 1            | 100%       |           |                 |                  |

**Question 3 - Should the Public Bar of Hotels be subject to the same policy as that of public houses?**

|                                          | <b>Total</b> | <b>Yes</b> | <b>No</b> | <b>No Reply</b> | <b>Undecided</b> |
|------------------------------------------|--------------|------------|-----------|-----------------|------------------|
| <b>Publicans</b>                         | 34           | 88%        | 12%       |                 |                  |
| <b>Council Departments</b>               | 6            | 66%        | 17%       | 17%             |                  |
| <b>Members of the Public</b>             | 9            | 45%        | 33%       |                 | 22%              |
| <b>Council Members</b>                   | 7            | 57%        |           | 14%             | 29%              |
| <b>Nightclubs</b>                        | 4            | 50%        |           | 50%             |                  |
| <b>Hoteliers</b>                         | 1            | 100%       |           |                 |                  |
| <b>Casinos</b>                           | 1            | 100%       |           |                 |                  |
| <b>Bingo Halls</b>                       | 1            | 100%       |           |                 |                  |
| <b>District Court</b>                    | 1            |            |           | 100%            |                  |
| <b>Dundee Licensed Trade Association</b> | 3            | 67%        |           | 33%             |                  |
| <b>Community Council</b>                 | 3            | 67%        |           |                 | 33%              |
| <b>Dundee University</b>                 | 1            | 100%       |           |                 |                  |
| <b>Abertay University</b>                | 1            | 100%       |           |                 |                  |
| <b>Tayside Police</b>                    | 1            | 100%       |           |                 |                  |
| <b>TACA</b>                              | 1            | 100%       |           |                 |                  |
| <b>Director of Public Health</b>         | 1            | 100%       |           |                 |                  |

**Question 4 - Should there be a different policy at weekends?**

|                                          | <b>Total</b> | <b>Yes</b> | <b>No</b> | <b>No Reply</b> | <b>Undecided</b> |
|------------------------------------------|--------------|------------|-----------|-----------------|------------------|
| <b>Publicans</b>                         | 34           | 47%        | 50%       | 3%              |                  |
| <b>Council Departments</b>               | 6            | 17%        | 50%       | 33%             |                  |
| <b>Members of the Public</b>             | 9            | 23%        | 44%       | 33%             |                  |
| <b>Council Members</b>                   | 7            | 29%        | 43%       | 14%             | 14%              |
| <b>Nightclubs</b>                        | 4            |            | 75%       | 25%             |                  |
| <b>Hoteliers</b>                         | 1            |            | 100%      |                 |                  |
| <b>Casinos</b>                           | 1            | 100%       |           |                 |                  |
| <b>Bingo Halls</b>                       | 1            | 100%       |           |                 |                  |
| <b>District Court</b>                    | 1            | 100%       |           |                 |                  |
| <b>Dundee Licensed Trade Association</b> | 3            | 67%        |           | 33%             |                  |
| <b>Community Council</b>                 | 3            | 67%        | 33%       |                 |                  |
| <b>Dundee University</b>                 | 1            | 100%       |           |                 |                  |
| <b>Abertay University</b>                | 1            | 100%       |           |                 |                  |
| <b>Tayside Police</b>                    | 1            | 100%       |           |                 |                  |
| <b>TACA</b>                              | 1            |            | 100%      |                 |                  |
| <b>Director of Public Health</b>         | 1            |            | 100%      |                 |                  |

**Question 5 - Should Sunday be treated differently or is it part of the weekend?**

|                                          | <b>Total</b> | <b>Yes</b> | <b>No</b> | <b>No Reply</b> | <b>Undecided</b> |
|------------------------------------------|--------------|------------|-----------|-----------------|------------------|
| <b>Publicans</b>                         | 34           | 18%        | 76%       | 3%              | 3%               |
| <b>Council Departments</b>               | 6            | 33%        | 50%       | 17%             |                  |
| <b>Members of the Public</b>             | 9            | 33%        | 56%       |                 | 11%              |
| <b>Council Members</b>                   | 7            | 14%        | 43%       | 29%             | 14%              |
| <b>Nightclubs</b>                        | 4            |            | 75%       | 25%             |                  |
| <b>Hoteliers</b>                         | 1            |            | 100%      |                 |                  |
| <b>Casinos</b>                           | 1            | 100%       |           |                 |                  |
| <b>Bingo Halls</b>                       | 1            | 100%       |           |                 |                  |
| <b>District Court</b>                    | 1            | 100%       |           |                 |                  |
| <b>Dundee Licensed Trade Association</b> | 3            | 67%        |           | 33%             |                  |
| <b>Community Council</b>                 | 3            | 100%       |           |                 |                  |
| <b>Dundee University</b>                 | 1            | 100%       |           |                 |                  |
| <b>Abertay University</b>                | 1            |            | 100%      |                 |                  |
| <b>Tayside Police</b>                    | 1            | 100%       |           |                 |                  |
| <b>TACA</b>                              | 1            |            | 100%      |                 |                  |
| <b>Director of Public Health</b>         | 1            |            | 100%      |                 |                  |

**Question 6 - Should there be zoning policies dependent on the location of the premises? (For example City Centre or Housing Scheme) or the use of properties in close proximity to the licensed premises (e.g. a flat situated in a tenement above a Public House)**

|                                          | Total | Yes  | No   | No Reply | Undecided |
|------------------------------------------|-------|------|------|----------|-----------|
| <b>Publicans</b>                         | 34    | 18%  | 61%  | 12%      | 9%        |
| <b>Council Departments</b>               | 6     | 33%  | 33%  | 17%      | 17%       |
| <b>Members of the Public</b>             | 9     | 67%  | 33%  |          |           |
| <b>Council Members</b>                   | 7     | 29%  | 29%  | 13%      | 29%       |
| <b>Nightclubs</b>                        | 4     |      | 75%  | 25%      |           |
| <b>Hoteliers</b>                         | 1     | 100% |      |          |           |
| <b>Casinos</b>                           | 1     | 100% |      |          |           |
| <b>Bingo Halls</b>                       | 1     | 100% |      |          |           |
| <b>District Court</b>                    | 1     |      | 100% |          |           |
| <b>Dundee Licensed Trade Association</b> | 3     | 34%  | 33%  | 33%      |           |
| <b>Community Council</b>                 | 3     | 100% |      |          |           |
| <b>Dundee University</b>                 | 1     | 100% |      |          |           |
| <b>Abertay University</b>                | 1     |      | 100% |          |           |
| <b>Tayside Police</b>                    | 1     | 100% |      |          |           |
| <b>TACA</b>                              | 1     |      | 100% |          |           |
| <b>Director of Public Health</b>         | 1     | 100% |      |          |           |

**Question 7 - Should there be a policy regarding the provision of entertainment in Public Houses (e.g. should music cease at 11 pm even if extensions are granted beyond that time)?**

|                                          | <b>Total</b> | <b>Yes</b> | <b>No</b> | <b>No Reply</b> | <b>Undecided</b> |
|------------------------------------------|--------------|------------|-----------|-----------------|------------------|
| <b>Publicans</b>                         | 34           | 32%        | 59%       | 3%              | 6%               |
| <b>Council Departments</b>               | 6            | 50%        | 33%       |                 | 17%              |
| <b>Members of the Public</b>             | 9            | 67%        | 22%       |                 | 11%              |
| <b>Council Members</b>                   | 7            | 43%        | 29%       | 14%             | 14%              |
| <b>Nightclubs</b>                        | 4            |            | 75%       | 25%             |                  |
| <b>Hoteliers</b>                         | 1            | 100%       |           |                 |                  |
| <b>Casinos</b>                           | 1            |            | 100%      |                 |                  |
| <b>Bingo Halls</b>                       | 1            | 100%       |           |                 |                  |
| <b>District Court</b>                    | 1            | 100%       |           |                 |                  |
| <b>Dundee Licensed Trade Association</b> | 3            | 67%        |           | 33%             |                  |
| <b>Community Council</b>                 | 3            | 67%        |           |                 | 33%              |
| <b>Dundee University</b>                 | 1            | 100%       |           |                 |                  |
| <b>Abertay University</b>                | 1            | 100%       |           |                 |                  |
| <b>Tayside Police</b>                    | 1            | 100%       |           |                 |                  |
| <b>TACA</b>                              | 1            |            | 100%      |                 |                  |
| <b>Director of Public Health</b>         | 1            |            | 100%      |                 |                  |

**Question 8 - Should the policy make a distinction between different types of Public Houses in the same area? (e.g. different hours for different pubs depending on the facilities offered. An example of this is the current difference made for function suites - but should there be others as well?)**

|                                          | Total | Yes | No   | No Reply | Undecided |
|------------------------------------------|-------|-----|------|----------|-----------|
| <b>Publicans</b>                         | 34    | 9%  | 85%  | 3%       | 3%        |
| <b>Council Departments</b>               | 6     | 50% | 33%  | 17%      |           |
| <b>Members of the Public</b>             | 9     | 44% | 44%  |          | 12%       |
| <b>Council Members</b>                   | 7     | 14% | 43%  | 29%      | 14%       |
| <b>Nightclubs</b>                        | 4     |     | 75%  | 25%      |           |
| <b>Hoteliers</b>                         | 1     |     | 100% |          |           |
| <b>Casinos</b>                           | 1     |     | 100% |          |           |
| <b>Bingo Halls</b>                       | 1     |     | 100% |          |           |
| <b>District Court</b>                    | 1     |     | 100% |          |           |
| <b>Dundee Licensed Trade Association</b> | 3     | 34% | 33%  | 33%      |           |
| <b>Community Council</b>                 | 3     |     | 67%  |          | 33%       |
| <b>Dundee University</b>                 | 1     |     | 100% |          |           |
| <b>Abertay University</b>                | 1     |     | 100% |          |           |
| <b>Tayside Police</b>                    | 1     |     | 100% |          |           |
| <b>TACA</b>                              | 1     |     | 100% |          |           |
| <b>Director of Public Health</b>         | 1     |     | 100% |          |           |

**Question 9 - Should there be a policy at all?**

|                                          | <b>Total</b> | <b>Yes</b> | <b>No</b> | <b>No Reply</b> | <b>Undecided</b> |
|------------------------------------------|--------------|------------|-----------|-----------------|------------------|
| <b>Publicans</b>                         | 34           | 88%        | 6%        | 3%              | 3%               |
| <b>Council Departments</b>               | 6            | 66%        | 17%       | 17%             |                  |
| <b>Members of the Public</b>             | 9            | 67%        | 22%       |                 | 11%              |
| <b>Council Members</b>                   | 7            | 71%        |           | 29%             |                  |
| <b>Nightclubs</b>                        | 4            | 75%        |           | 25%             |                  |
| <b>Hoteliers</b>                         | 1            | 100%       |           |                 |                  |
| <b>Casinos</b>                           | 1            | 100%       |           |                 |                  |
| <b>Bingo Halls</b>                       | 1            |            |           | 100%            |                  |
| <b>District Court</b>                    | 1            | 100%       |           |                 |                  |
| <b>Dundee Licensed Trade Association</b> | 3            | 67%        | 33%       |                 |                  |
| <b>Community Council</b>                 | 3            | 100%       |           |                 |                  |
| <b>Dundee University</b>                 | 1            | 100%       |           |                 |                  |
| <b>Abertay University</b>                | 1            | 100%       |           |                 |                  |
| <b>Tayside Police</b>                    | 1            | 100%       |           |                 |                  |
| <b>TACA</b>                              | 1            | 100%       |           |                 |                  |
| <b>Director of Public Health</b>         | 1            | 100%       |           |                 |                  |

**COMMENTS MADE****QUESTION 1****PART 1**

**Is there a need for a change to the Policy?**

**If no, please state why?**

The present arrangements work well although the occasional further extensions to 1.00 am and 3.30 am cause confusion with the public.

It is very important that we have a two and a half hour differentiation from public houses. In the past it has been proven that nightclubs opening till 3.30 and public houses till 1 am has disadvantaged nightclubs resulting in clubs opening earlier and providing drinks promotions to compete with pubs.

Change is good for everyone.

At present revellers are clear as to what constitutes a public house and what constitutes a nightclub. They are clear as to opening and closing times and any change in policy will inevitably lead to confusion.

I do feel granting public houses a licence to 1 am will affect the nightclub industry in Dundee and will lead to excess drinking in public houses which is already happening in Dundee at the moment with the number of new public houses cutting the price of drinks.

People expect to have a night out at a private function (dance, for example) till 1 am. Our regular extension of hours adequately allows for this. Nobody complains and we are seldom asked to open later.

It would appear to be a reasonable policy.

Personally, the policy more than covers the needs of a premier lodge with a chef and brewer brand pub attached.

It seems to me that it is sufficiently difficult to obtain extensions from 'normal' opening hours.

Quite enough drinking goes on at present.

For this business normal hours are satisfactory.

Current provision allows for a meaningful differentiation in closing time between pubs and nightclubs. If pubs were to be given extended hours it is possible that nightclubs will resort to enticing people in with happy hours and other promotions which lead to increased drunkenness, health problems and public nuisance/disorder/crime.

Because the existing policy works very well.

Closing at 11.00 pm should remain as the standard. Those wanting regular extensions should have to apply. We want to maintain current controls.

Existing policy is robust and can cater for 'exceptional circumstances' on their merits.

It seems to be working as it is. "If it ain't broke, why fix it?"

Consideration of others.

It would be fine the way it is as the courts are full with people after the weekend and most cases are through drink.

It is late enough.

Not a clubber or pub-goer.

No. I feel there is plenty time already to drink in the opening hours. This extra hour would cause more inconvenience to residents like myself who already have to put up with noise all weekend and through the week. The time it take to empty the pubs the extra lack of sleep.

Current policy has served the public well to date.

I feel the current situation works well and no changes are needed or if to change, review each one as individual cases.

All public houses and clubs are open late enough.

I feel things are fine as they are.

The hours covered at present are acceptable and if people wish to continue drinking they have the option of going on to clubs etc.

I think it works fairly well at the moment. It would be better to wait to see the findings of the Government's review of licensing policy then possibly respond at that stage.

**No. This policy has worked well, is easily understood and consistent.**

Yes. To eliminate need for extension applications and for opening between 11.00 am - 12.00 pm and 12.30 - 12.00 Sundays. All public houses to operate above without extension requirement.

Yes. To simplify and standardise the licence. To unify the licence and simplify the current procedure, all licences should be from 11 am to midnight, Monday to Thursday and Sunday and 11am to 1 am Friday and Saturday.

No. Can't see the problem the way it is just now.

I feel that 12 o'clock is late enough for pubs to be open.

Yes. People's drinking habits have changed.

Yes. There has been a change in drinking habits over the last few years - customers want to come out late and go home late - not all customers want to go clubbing therefore 1 am closing would benefit pub trade.

The policy as it exists is nicely integrated and encourages orderly transit between establishments, late opening pubs (until 1 am) would create a knock-on effect forcing other pubs, nightclubs, restaurants, registered clubs, taxi firms and hotels to open later in order to remain competitive. This will seriously diminish Dundee's high operating standards and threaten quality of life of workers, servers, doormen, managers and other operators.

Most public houses are presently open for 13 hours Mon - Sat - 11½ hrs on Sundays. My personal opinion is that these hours of trading are adequate having taken into account important factors such as noise and music going on into the early hours, staff working and travelling home later, also I feel pubs staying open until 1 am would create more drunk people being on the streets throughout the night, possibly adding to more violence in certain parts of the city.

It is considered that there should be a change to the existing policy.

More late licences will inevitably lead to more drinking, more drunkenness, more violence, more adverse health consequences and more adverse impact on local residents.

## **QUESTION 1**

### **PART 2**

**Is there a need for a change to the Policy?**

**If yes, please state what changes and why?**

There needs to be more flexibility of operating hours to reflect not only changes in lifestyle/habits of today but also the different offer/facilities now available in licensed premises.

Open 24 hrs if the need is there.

1. Soundproof
2. Policing if needed
3. Revoke licence if there is too much trouble.

To remove anomalies and to take into account changing trends etc.

The provision of special extensions for bank holidays etc, block extension for festive period and the ability to make only one application for these extensions rather than having to make multiple applications. This would make life easier for both the Licensing Board and the licensees.

Would like to see the ability to be able to apply for all extensions throughout the year in one go.

Certainly worth reviewing the existing policy and possibly introduce changes which are comparable with other Scottish cities.

Modify to suit current trends in public behaviour pattern.

Review and policy should be ongoing to take account of environmental and social changes within the Board's area of responsibility. The range of licence types with different conditions and policies applying to them causes confusion within the trade itself. A commitment to streamlining the process to de-mystify the policy would be helpful to all concerned, including competent objectors.

The difference in treatment between hotels, pubs and nightclubs is not logical.

Need to promote a responsible culture of later licensing in key tourist areas, particularly city centre, cultural quarter in Broughty Ferry.

1. There should be no distinction between bars in hotels and public houses.
2. Having a definite policy in areas such as happy hours could possibly prevent binge drinking.
3. In some case, ie nightclubs, an age minimum of 21 years - to stop underage drinking.
4. We need a definite policy to prevent places such as drugs cafes being opened.
5. Some areas need definite clarity.

There is no benefit in the existing restrictions. The existing policy distorts the market and does not reflect 21st Century culture. Shops are now open 24 hours in some cases. There is no case for treating alcohol as a separate case.

Yes - policies need to be reviewed/updated to reflect changed circumstances, social attitudes and expectations/aspirations.

I think there should be some changes. Every outlet should be judged on its own merits.

With regard to opening hours of hotels and registered clubs, I feel there should be a level playing field to everyone having the same hours and the opportunity to apply for public houses to apply for 11.00 am Sunday and 1.00 am weekdays and weekends.

Public houses should not have to apply for regular extension of hours, ie 11 pm - 12 pm and 2.30 - 6.30 Sundays. This has been happening for years and is an absolute nonsense - shift workers and tourists!!! Tourists in Albert Street, Dura Street, Lochee housing schemes etc and shift workers in Broughty Ferry? - doubt it!!

Extension of current opening and closing hours to cater for shift workers, which in my particular case are plenty.

Modern society no longer has the same requirements as of 20 years ago. Many people now travel and see that all of Europe enjoys a much more relaxed policy and wishes to enjoy it. There is not a country in Europe that has the restrictions that are imposed in Dundee. Very few in Britain either.

The only change I would be in favour of is to offer public houses a 1 am licence on Friday and Saturday nights only. People tend to come out later and later these days and would rather stay and chat and socialise in their "local" rather than pay high entrance fees and higher drinks prices in the clubs where they tend to cater for a younger clientele in any case.

Extension to existing hours. People's social habits are changing all the time.

Yes. Extensions to permitted hours in hotels. Hotels (in Broughty Ferry) are basically gaining an unfair advantage. They are public houses with accommodation. All licensed premises should trade on an equal basis.

Yes. 1 am extension on Friday and Saturday would be welcome by many customers, particularly those who would not go to nightclubs for reasons of cost and age. Better also for clearing premises without falling foul of the law. Allows more time for drinking up, getting taxis etc. Many would not open till 1 am but to, say, 12.30 giving more time to empty premises.

Need more flexibility in the hours of opening.

I feel that it is only fair that customers have a choice to either leave and go on to a club or stay in their local bar and enjoy themselves.

More people are coming out later from home and are coming out less frequently and are therefore wanting to make more of a night out. I think a later licence extension should be made available to publicans to cater for this change in drinking pattern.

I would like to see one hour extended on at weekends as people are coming out later and later at weekends.

As per my application to previous board, most people feel that midnight is too early and feel forced to go on to a club environment that they don't always wish to, ie too noisy, expensive, whereas 1 am gives people a good social night out without excessive spending. Personally, my clientele is varied but a large percentage do not wish to go out to a nightclub regularly nor do they wish to be tucked up in bed by midnight.

Unfair competition from clubs and other bars already allowed later hours.

The distinction between types of licensed premises has blurred over the past years. The ability of hotels with a public bar to stay open longer than public houses seems inherently unfair.

I think with us going, hopefully, into Europe we should maybe relax our strict licence policy, open early and close later, ie 10 am to 1 am and do away with having to apply every year when you renew your licence - that should be it.

I think the policy needs to be reviewed to reflect the change in drinking habits which has occurred over the last 20 years, ie people working later, going out later and expecting food and entertainment to be provided in public houses.

With the change in the current climate there is definitely a need to review later licensing laws. More and more people are finding they are having to go on to nightclubs in order to carry on with their night out since Dundee has introduced "superclubs" with unreasonably cheap drink pricing. There is concern for their social responsibility. If smaller public houses could also obtain entertainment licenses this would cut down on trafficking, smaller groups to control and less drink related crimes (eg people becoming bored in queues and then acting out.)

The policy should provide greater equality for the proprietors of public house and hotel establishments thereby removing any dubiety, which presently exists in this area.

1. The public bar of an hotel is, in essence, no different from a bar in a public house and therefore should be treated accordingly.
2. The policy should incorporate a method of creating zoning areas. This may be of assistance in determining the impact of any application on a particular community and would take account of the nature of use of individual premises and hours being applied for. Such environmental impact assessments could assist in the decision making process and meet the level of protection expected by the residents or other premises in any given area. As an example the City Centre, which is predominantly a business/commercial area, could be considered as one zone as opposed to a predominantly residential area where the requirements are entirely different.
3. Consideration should be given to the general policy regarding the granting of extended hours for specific events. In general terms, with localised events such as the Broughty Ferry Gala Week, it is suggested that the privilege of being granted extended hours should be restricted to that particular area and not be immediately available to licensed premises throughout the City. Naturally this would be flexible so that the Licensing Board could consider applications made in respect of major public events if this was appropriate.
4. Several licensed premises within the City arrange alcohol free events specifically for persons under eighteen years of age. It would be beneficial if regulatory provisions were included to apply to these events so that standard operating procedures and elements of good practice could be implemented equally. This could include permitted operating hours, the provision of Registered Door Stewards and minimum supervision requirements and any other safety or other conditions as the Licensing Board may wish to impose.

Make it simpler.

No extensions beyond 12 midnight.

**QUESTION 2**

Should there be a policy for all Licensed Premises or only Public Houses and Entertainment licences?

All licensed premises.

In my opinion, just for public houses, highbred hotels (with public bars) and entertainment licences.

The policy should cover all licensed premises.

All premises should have a licence and this should be checked.

All licensed premises should be subject to the policy to provide a coherent strategy. There is very little to differentiate pubs and nightclubs.

All licensed premises should have their own policy.

Yes - there should be a policy in place to regulate all licensed premises.

For all licensed premises.

There should be a policy for all licensed premises.

All licensed premises should have a policy.

All premises selling alcohol.

All licensed premises.

I would support a policy for all licensed premises. The support of the Board in our enforcement areas of Food Safety and Health and Safety is of great assistance to our efficiency and I think contributes to the general satisfactory conditions found within licensed premises in Dundee.

Pubs/entertainment and hotels.

A policy for all licensed premises.

Yes, there should be a policy for all licensed premises albeit policy may, be necessity, be flexible enough to cover the differences within regulations governing separate licence types.

The regulation of registered clubs also requires to be reviewed as current arrangements do not allow for the level of maintaining and supervision which may be necessary.

All licensed premises.

For all licensed premises.

Yes/no. Undecided on this one. It should apply to public houses but fail to see the verity of including other types of providers such as restaurants etc.

Yes, as it is a good way of preventing some very unsuitable premises being opened.

I would say at the end of the day public houses are fine.

The least amount of restriction as possible for all establishments.

I feel the public houses should have a separate licence.

Yes there should be a policy for all licensed premises.

Should be a policy for all licensed premises.

All licensed premises including off-sales.

All licensed premises.

I think on all, to keep everyone on an even par.

Yes, but there should be the 2½ hour differential between pubs and entertainment licences with the understanding of a £2.50 minimum charge, which in no way should be offset by ridiculous drinks promotions, eg 30p vodka, 50p bottle, 70p pint.

Public house and entertainment plus hotels together - off sales and restaurants could be separate.

All across the board.

All licensed premises.

For all licensed premises.

A policy for all licensed premises.

All licensed premises.

Although nightclubs etc are currently allowed 2½ hours after the pubs close I don't think regular later pub opening would necessarily affect their trade as people who want what nightclubs offer would go earlier.

Should be the same as it is now. If pubs get a later licence so should clubs.

Only public houses and entertainment licences.

There should be a common policy to incorporate all licensed premises. If there are separate provisions and hotels or other licensed premises are not included, attempts may be made to cite exemptions from general policies. This could lead to the suggestion that the Licensing Board have a diminished control over these issues. All licensees require clear guidance and knowledge of any possible limitations which may be placed upon them. This avoids any debate of misinterpretation of the intent of the policy.

### **QUESTION 3**

#### **Should the Public Bar of Hotels be subject to the same policy as that of public houses?**

Yes. Over the years hotel bars now offer the same facility to the public as that of a public house. The general public visit both types of establishment for the same purpose and therefore any difference in policy is no longer valid and indeed confusing.

Yes - any perceived advantage to one section of the licensed trade should be eradicated.

Yes, unless being used by residents.

Yes, as I would suggest customers in public houses would then venture to the nearest hotel at closing time if they wished more alcohol. This would be unfair on hotel guests.

Not necessarily.

Yes, if it is a public facility it should be governed by same rules irrespective as to where it is provided.

Yes, removes unfairness.

The policy should be broadly similar as for the most part patrons are not bona fide guests at the premises and they resort to the premises with the main purpose of drinking alcohol. In this respect hotel premises should not be able to apply a less restrictive opening schedule on the lack of service provision to their guests elsewhere in the premises. Perhaps public bars and hotels should be subject to a separate 'public house' licence from that of the main certificate applying to the normal business of the hotel.

Not sure. Perhaps better if public houses were treated the same as hotels.

Yes, most definitely.

Don't know.

Yes. At present some publicans feel disadvantaged by hotels' differences.

Whichever policy is the most liberal.

Yes - Policies should be based on solid evidence of the performance and conduct of the sites as ingathered by the appropriate authority.

No as most public bars are amongst housing schemes and this would cause upset to those living in the area through midweek.

Generally there has always been a difference between hotels and public houses. Mainly a different clientele and different prices. Although there may be exceptions, there is usually less trouble at hotels.

No strong view.

Yes, I think everyone should be treated the same.

Yes. By definition it is a public bar and should be subject to the same restrictions as a public house.

As per Question 1. Why should they be different? Hotels are and should be for the benefit of residents.

Yes. There will always be conflict while the differences remain.

Most definitely! I think that this is the main reason for animosity between hotels and pubs. Most "hotels" that operate a 1 am licence are no more than pubs with a few rooms above. I could see the point if it was for residents but a lot of these "hotels" make most of their money after 12.

Yes, but if zones apply (eg tourist development) hotels should be allowed to take advantage.

No - hotel bars should be subject to a different policy. Hotels and public houses are defined differently in all dictionaries - hotels fulfil the role of offering the complete hospitality package. The extended terminal hour is due to specificity and is the result of evolution, culturally and socially. Hotels which are graded and classified by the Scottish Tourist Board are subject to significant investing in people, costly training programmes and rigorous and frequent inspections. Late guest arrivals are always ensured an open bar. If pubs get this privilege of later opening some hotel bars may be forced to shut with the result that Dundee's hotels would be less attractive to tourists and no one would know where is open and where is shut.

Yes, because if it is not it will be abused as it is now. You go into a hotel in Broughty Ferry and it's full of people looking for a later drink. In breach of the hotel licence I think. Hotel patrons and guests? Must have loads of hotel rooms.

Most definitely. They operate as public house, ie the public can walk in from the street. Hotels can provide additional hours for residents without a regular extension, the availability of room (and allowance for a Sunday morning extension) is the only distinction between hotels and public houses under the Act, so the same policy should apply in respect of hotel public bars.

In the interests of equality the same policy should apply as, in recent years, there is no real difference between these premises. Traditionally, it was considered that hotels could close one hour after public houses. As a general principle, and in the interests of fairness, hotels should not routinely be granted an extra hour permitting them to close at 01.00 hours or any later time.

#### **QUESTION 4**

##### **Should there be a different policy at weekends?**

Definitely not.

If opening hours in general are relaxed then natural demand will dictate opening/trading laws. Naturally this would be biased to weekend evenings. Any policy should not restrict laws either mid-week or weekend and let demand select trading hours.

Friday/Saturday only - although the justification for this is reducing as more people work non-standard hours. By differentiating weekends it may reduce the excess competition during weekdays.

Yes. Friday and Saturday should be perceived as opportunities for workers to unwind.

I believe clubs generally stay open later on Friday/Saturday and if this is the case I would see no reason not to allow public houses to stay open, possibly an hour later.

Possibly Saturday till 1 am wouldn't do any harm.

It seems to me that there are sufficient opening hours at present.

If considered necessary in order to allow premises to cater for customer needs which vary between weekdays and weekends then yes, policy should be flexible enough to allow for this. Not necessarily two different policies - but more flexibility to cater for variations in demand due to the social habits and leisure preferences of the community.

No. Additional licences should be issued in exceptional cases only (events etc.)

Possibly - encourage the work ethic.

Only as far as later opening on Friday and Saturday. Sunday - Thursday should be the same.

I would say weekends are for people to be with their family and kids so policy does not come into this.

No, because noise is noise and unless you live next to a public house you haven't lived. The extra hour would actually be more because of drink up time, emptying the place, tidying up, setting alarms etc. It would be 2 am before thinking of getting peace to sleep.

Again I feel if there were to be a different policy at weekends this should be looked at individually as each one applies.

Including Saturday as a weekday as currently the policy is OK.

Yes - the "leisure" aspect of weekends (for most people) should be reflected in policy.

I think weekends, to be fair, is the only times that should change.

Yes, as people have more time at weekends.

I can't see why, but if the weekend was defined as Thursday, Friday, Saturday and Sunday then that could help and would be acceptable.

I believe the customer/consumer will dictate this. My experience (18 years) tells me that weekends should be treated separately. Attitudes have and are changing therefore policy should, if feasible, reflect this.

Policy should be specifically targeted to weekends.

Even at weekends I think that midnight is late enough for pubs and hotels.

Yes, in Dundee there isn't a need to open till 1 am 7 days a week. I feel minimalising the nights would benefit licensees.

No, the same hours should apply 7 days and let the public decide if premises can justify to stay open then it should be allowed to do so.

No, it is best left the way it is with seasonal occasional extensions being made available.

Later, if need be.

Unsure.

As long as weekend policy is the same for everyone.

Yes. Many people want to enjoy a later but quieter night than that of a nightclub. Couples or older clientele may want to stay out until 2.30 am but there is no choice for this in Dundee.

In general there should be no differentiation between weekends and other periods. Society has changed a great deal over recent years and there is less of a distinction between social events occurring during the week or at weekends.

## **QUESTION 5**

### **Should Sunday be treated differently or is it a part of the weekend?**

Part of the weekend.

Should be part of the weekend.

Sunday is one day throughout a seven day week. The above comment applies and Sunday should not be treated separately. If there is demand businesses will open. Where there is not they will close or close earlier. It should be a commercial decision.

It's a part of the week.

Sunday should be treated as a normal weekday.

It should be treated differently.

Part of the weekend.

Part of the weekend.

Part of the weekend.

Maybe as a treat to staff hours on Sunday could be a little shorter.

Sunday should always be treated as a Sunday and not regarded as part of the weekend.

It must be remembered that people must work on Mondays and this includes the neighbours of pubs, who can be disturbed by noisy bars and customers going home, as well as the said customers.

Differently.

Part of the weekend.

Sunday night should be treated as a week night.

Sunday remains different.

Sunday is an integral part of the weekend, the time when family or other social functions and events are more likely to take place. To continue to treat Sunday as different to both weekdays and the weekend is outdated and adds to the current level of confusion over licensing policy and regulation.

Part of the weekend.

Sunday is different.

Part of weekend.

Sunday is part of the weekend but as Monday is classed as the first working day there should not be later opening hours. However, there should be all day opening if wanted by clientele.

Sunday is a day for rest and it's the Lord's day and a soft drink does not go amiss when public houses are open all week. There is no need for them on Sunday.

Yes - Difficulty in striking a balance between persons wishing to socialise and party and those wishing to treat Sunday as a day of rest.

Put the Sunday the same as week.

I feel Sunday is just part of the weekend now as more and more things open on Sunday now and most people in my view look differently at a Sunday now.

Yes. Current policy fine.

No strong view.

It should be treated differently. Public houses etc - open till 1 am Monday to Saturday and 12 pm Sunday. Mondays for most people means the start of the working week.

No, I think it should be part of the weekend. You have shift workers to think of.

Treated as part of the weekend. If bowling/golf clubs can apply for 11 am opening then surely, due to football matches on Sky, pubs should have the opportunity to apply as well.

Sunday is part of the weekend.

Part of the weekend.

Sunday is part of the weekend. Who would not define Sunday as part of the weekend, especially at Fast weekends?

Part of the weekend.

Sunday should remain as it is.

Hours should be changed to 11 am to Midnight.

The 12.30 opening on Sunday is now outdate. Why shouldn't I, as a responsible member of the licensed trade and a respectable member of society, be allowed on a Saturday to purchase alcohol at 11 am and on a Sunday not allowed?

Possibly holidays, Fast weekends etc. Currently pubs have midnight licences on Sundays but I know of very few who use it.

I think that Sunday should be treated as part of the weekend.

Part of the weekend.

Part of the weekend.

No - 7 day week.

Part of the weekend.

Part of the weekend.

Part of the weekend, no.

Sunday should be treated differently as it is the end of the weekend.

Sunday is now as much part of the weekend as any other and for many is a working day too. I think Sunday should be treated as any other day.

Part of the weekend.

No. Many people do not work 9 - 5 Monday to Friday and to a lot of people a Sunday night is a big night out.

No. It's fine the way it is.

Part of the weekend.

As part of weekend.

Sunday trading hours should stay as they are.

Sunday should be treated as part of the weekend.

Part of the weekend.

In today's society it is part of the weekend.

It is generally considered that Sundays are family days. The opening time of 12.30 hours should be applied uniformly. Only in exceptional circumstances should any extension be granted to permitted hours otherwise this could be open to possible abuse.

## QUESTION 6

Should there be zoning policies dependent on the location of the premises? (for example city centre or housing scheme) or the use of properties in close proximity to the licensed premises (eg a flat situated in a tenement above a public house)

### **If Yes please specify.**

Definitely not.

No - the impact of noise is felt in the wider community and is as relevant to neighbours of student residencies away from licensed premises.

Local tenants would have the right to object and this would have to be taken into consideration by the Licensing Board.

Yes, consideration of local housing is unfair, depending on noise levels and crowd noise on exit. We at Bonar Hall have had no complaints really over the years, but we are maybe not close enough to housing to matter.

Yes. People in close proximity to licensed premises mustn't be disturbed by that business needlessly.

Adjustment of rate to properties regularly subjected to noise.

Yes, to prevent noise and other disturbance to residents.

If the policy is being changed then the location of the premises should be taken into account, particularly their proximity to residential property. Later opening hours should be reserved for premises appropriately distanced from flats or houses. Arguments over noise can result in appearance in the District Court.

Yes. Less leeway for premises next to houses and located in residential areas.

More emphasis needs to be placed on the anti-social aspect of extending permitted hours, particularly when licensed premises are in close proximity to residential property. In general, a more relaxed approach in city centre or non-residential areas is acceptable but not so in housing estates where more disruption to family life is likely.

No. Each should be decided upon on its own merits.

People who live near licensed premises need some peace. Proximity of residential property should be overriding factor but if city centre zoning is used all tenants/landlords/owners need to be notified of rights.

Yes. Too close to houses/flats.

Yes, city centre, Broughty Ferry and West End and cultural quarter should be main areas initially.

It depends - if owner or public house owns upstairs flat then should be employee or owner living there. There should be ground rules defined when looking at location area especially for over-provision.

No to all this muck.

Yes. Clearly each zone is dependent on the circumstances and make-up of the surroundings to that zone and again the performance of the site based on sold evidence in the neighbourhood and this should be used to monitor and decide the zoning policies throughout the City.

Yes because houses close, eg flats, have to put up with all sorts of noise from the public houses and deserve to be respected for the location.

Yes, as if there were a change this would likely affect all those living in the area in question.

Yes. More consideration should be given to residents close to public houses now that music is permitted in public houses. This additional noise and later opening hours were not in place or permitted when the properties were built. No new licences should be issued to premises that were not a public house when the houses were built, where houses are in the immediate area.

Yes. Licensed premises in residential/housing areas should be restricted if there is potential to cause nuisance to surrounding residents.

Definitely not! Zoning as shown in Edinburgh, creates trading anomalies with the large influxes of people moving from zone to zone. Zoning inevitably leads to unfair trading.

Uncertain. In a lot of cases public houses were there before flats etc. and occupants knew that before purchasing, letting etc.

Zoning policies might work, but in a town like Dundee with almost all city centre pubs having some sort of flats above them or close to them and often the pubs were there first.

No. As far as possible there should be a level playing field. Residents can raise complaints regarding noise or disturbance coming from specific premises at the moment.

Would be unfair to some premises but public should have right to complain if premises are too noisy, too late.

Yes, local residents' concerns and worries should be taken into consideration.

Yes. As suggested above city centre, housing scheme, tourist development area might be another zone.

City centre bars should be the only ones to get a one hour extension.

Yes. Public houses with noise problems or trouble issues or with residential properties adjoining or above should be permitted, where deemed appropriate.

No. This could cause acrimony between near neighbours. You could get an example such as the Phoenix allowed to open later because it's in the town while Popl Nero in Perth Road must close earlier. I think zoning has been tried in Glasgow, without success. If you stay with later opening hotel bars you have a ready-made solution which is expected and accepted by all (I hold 3 public house licences).

Yes. Public bars in housing areas need to be looked at differently.

It would be very difficult to do. Everybody should be treated the same way but if there are complaints the relevant bodies must act now.

Yes. If it is in an area of bars later laws should be allowed (eg City Centre, Westport etc.). If it is in housing schemes they should have the right to apply with the consideration of residents.

As previously intimated it is considered that the implementation of zoning areas could provide additional guidance in determining the appropriateness of any application. Areas of predominantly residential housing require more protection from potential noise nuisance or street disorder problems. There are some natural areas for such zoning policies, namely:

- (a) City Centre/Perth Road/West End which are commercial and moving to residential,
- (b) Broughty Ferry/Lochee Centres, more residential although still heavily commercialised,
- (c) Other areas which are predominantly residential in nature.

No. Difficult to legislate.

Yes, but avoid residential areas for late licences.

## QUESTION 7

Should there be a policy regarding the provision of entertainment in public houses (eg should music cease at 11 pm even if extensions are granted beyond that time)?

Public houses are not places of entertainment - their principal activity is the provision of food and drink. If they wish to provide entertainment they should apply for an entertainment licence and governed by the rules applicable.

No policy is required to limit the provision of entertainment. Any nuisance or noise issue can be dealt with under separate legislation, ie noise pollution and powers held by EHO department.

Soundproof the premises.

Yes there should be a policy but it should not be in isolation from nightclubs. Often the issue is less from the music generated but from the traffic into and out of the premises.

Yes - revellers should be clear that nightclubs are the place to go for entertainment beyond, say, 11 pm.

No. No point having an extension if the entertainment is stopped early.

Yes, if they are near housing or especially underneath.

Levels of noise and disturbance must be closely controlled to avoid disruption to persons not connected to the licensed premises especially on a Sunday.

I think music should stop by 11.30.

Don't mind.

Dependent upon locality of premises.

Depends on proximity to private housing. Set an amplifier limiter (sealed) as happens in Mallorca.

Music has become an integral provision in many licensed premises and generally it is controlled reasonably well. The current provision for withdrawal of musical entertainment grants works well so on balance, I would support extensions beyond 11 pm so long as it is spelled out to licensees that any verified nuisance would see the immediate withdrawal of the grant.

If the premises are located close to housing then music etc. should cease at 11 pm.

Extensions to selling alcohol should not automatically provide an extension to music.

Once again, location and potential noise nuisance must be factors. In general, if the provision of entertainment is part of the main reason for the extension of normal permitted hours then it would seem appropriate that the cessation of the entertainment should coincide with the end of the permitted or extended hours.

No. Individual circumstances should be considered.

If they can prove that their sound insulation is good enough then okay to keep going, but it would need to be good (double entrance doors, no noisy ventilation etc.) and any infringement would result in instant withdrawal of extension of licence.

Generally midnight, but 1 am for functions/entertainment suites.

No. Only if problem with neighbour noise.

Yes. There should be a policy - with music definitely stopping at midnight - at weekends and 11 pm Sunday to Thursday.

Yes - depending on location/proximity of residential properties.

Yes. Noise should not emanate from public houses or places of entertainment after a certain hour. This should perhaps again refer to zoning policies/performance on that site.

I would say yes having lived through the Hell for 12 years, but know this would never happen.

No. If extensions are granted beyond normal time so should entertainment. Again, judge each case individually.

No music should be allowed in public houses which are within earshot of any residence. The test should be "Would I like to live above or next door to this?" before any permission is granted.

Should be subject to zoning policy.

Music should, in most cases, stop before midnight, an hour before closing time. There has to be respect for neighbours. I would like the Environmental Health Department to set the decibels at an acceptable level in each individual outlet, say at a cost of £100/pub. Fix it on to a music traffic light machine and then there would be no argument!

I think it would be a waste of time if you did this. You have got to keep your customers entertained or they would leave. They are out to enjoy themselves, have a drink, a laugh and be entertained.

Yes, a policy regarding noise would be of use.

As long as the policy applied to all public houses, this would be okay. Obviously, if this applied to only certain public houses then I would regard it as unfair.

I personally feel that depending on the location, entertainment should finish at an earlier time, eg 11 pm.

No, as this would create unfair advantages to those such as hotels etc.

If no complaints are made then fine, but it should be monitored.

Yes, if close to housing.

Definitely not.

Depends on venues and their locations. Ties in with the above question.

I think that this is unnecessary, unless objections are raised by local residents or other members of the public.

Music should be played until the bar is closed.

Possibly. That should be for discussion with individual cases, I guess.

Should be treated individually. If infants or elderly folk live adjacent, the music should cease at 11 pm.

This is a very grey area and would have to be monitored for some time, but as soon as there is a noise problem the relevant bodies must act as they do now.

Yes there should be a policy, but I consider music being played until 11.45 - midnight in public houses to be reasonable for Friday and Saturday evenings.

I would prefer each case to be viewed on its individual merits.

Yes, there should be a policy.

No, music and entertainment is now ancillary in public houses. It is people causing breach of the peace that seems to be more upsetting to residents.

The provision of entertainment in public houses may be aligned to the zone in which it is located. Initial consideration may require to be given to the location of specific premises within a zone to assist in any decision. This would be subject to the usual application for the consent of musical entertainment. This should include an environmental impact assessment to establish, amongst other issues, that noise levels are within acceptable parameters.

Music should cease if it causes a negative impact on local residents.

Byelaw controls are sufficient.

## **QUESTION 8**

Should the policy make a distinction between different types of public house in the same area? (eg different hours for different pubs depending on the facilities offered. An example of this is the current difference made to function suites - but should there be others as well?)

No. Let people decide for themselves.

No - this creates inequities and encourages licensees to look for ways to avoid or get round the legislation.

No - this would cause great confusion for customers.

Can't think of a legitimate reason to discriminate.

Don't know.

Yes - with/without entertainment facilities.

Yes, what is being promoted in terms of facilities should be taken into account, but only if the premises themselves are sufficiently distanced from residential property.

Continue distinction as regards function suites. Cannot see how we can differentiate further.

The suitability of the premises to provide for functions and events should be considered when deciding on an application for extended hours. Other than that, there should be no distinction as once again, confusion would arise and consistency in policy would be liable to challenge.

Yes - a public house selling food is different from one that doesn't. A public house with a function suite offers a different service from one that doesn't have a function suite. Description of function suite should be clearly stated.

Yes, as long as the building is located away from tenants.

Yes, depending on the facilities offered, also the location, with regards to the people living in the area of this.

Yes. Consideration to proximity of residents.

No strong view.

Yes, there should be depending on the different pubs, depending on their facilities and the need for the area. Everyone should be dealt with on its own merit.

No. All public house hours should be the same.

Function suites perhaps, but not for others.

No distinctions should be made. Sometimes facilities are removed from public houses contrary to the publican's opinion and restricted openings etc would be a double penalty.

No. Definition would be very difficult.

Certainly not as this definitely would create unfair advantages.

No. I feel that pubs will regulate themselves according to facilities provided, some choosing to open late, others content to close early.

No because finances then become an issue.

No, not unless they fall into question "B" category.

May be too difficult to define facilities and therefore unworkable.

All public houses must be treated on a level playing field, otherwise there will be problems. Function suite should only be used for the purpose it is designed for.

Yes, but only for private parties. I do not agree any other differences should be considered otherwise.

Yet again, I believe that each case should be viewed on merit.

As long as the function suite is not open to the public after normal public house closing, then it should be able to remain operating to a later time.

It may be a possibility. Style one bars tend to attract a different type of customer compared to a community pub. This, again may be a social responsibility issue when considering applications.

It is considered that the criteria for determining distinctions between public houses could be convoluted and possibly impractical.

No. Far too difficult to Police.

**QUESTION 9****Should there be a policy at all?**

Yes - otherwise it would be chaos.

Yes, the current policy is unfair, however, it has its merits. It is unfair in areas like Broughty Ferry where public bars in hotels have an extra hour over public houses.

Licence premises have a social responsibility and policies/guidelines are required to help us all to provide both a service/facilities to the public in a professional manner. Commercial decisions taken are not always taken with social awareness and some regulation is required to prevent unprofessional practices. Any policy must evolve and reflect modern times.

No. Is it needed?

Yes - the City Council has a need to consider all its citizens and the freedom of operation of licensed premises has an impact on the lives and amenities of many diverse groups.

Yes - to clarify the situation for revellers and licensees alike.

Yes, there has to be one in place to ensure fair competition.

Yes, to ensure a level playing field between all licensed premises.

Yes. Very important to show that licensed premises are properly policed.

Yes, for the public good, otherwise life would be unbearable for 'local' residents.

Yes, if there is no policy then we have no base ground to have control.

Yes, but more flexible to meet changing lifestyle patterns.

Yes, otherwise there would be a free-for-all.

Whilst regular extensions are permitted by law there should be a policy so that both licensees and the public have a yardstick to operate by. It means there is consistency with like cases being treated in a like manner. Also if all close at the same time there should be less disturbance on the streets surrounded by movement from one pub to the next in search of the latest opening.

Definitely, otherwise confusion and inconsistency would quickly overcome the system.

Yes - for consistency.

Yes - for public protection on many fronts.

Yes, otherwise change is on an ad hoc basis and may be seen to be unfair.

Yes, because there are several areas where definite ground rules are set and where noise levels, age limits, "happy hours" are properly policed. Even with a 24 hour public house policy there would still be a need to police the establishments and also safeguard the public.

No, in respect of alcohol. Yes, in respect of noise.

Absence of a policy would lead to anarchy! It can easily be argued that alcohol is too freely available now - the consequences of "no policy" would be incomprehensible!

I think there has to be a fair policy but try to take into consideration the residents' views. I've lived this long a time and wouldn't wish it on anyone. Next we will be open all hours. This town has enough drink related problems. Adding more drinking time is crazy.

Yes - licensed premises have potential to be a source of nuisance/disturbance and should be regulated.

I think the Board should consider allowing pubs to open or shut between 10 am - 1 am. After all, you're more likely to serve a tourist between 10 am - 11 am than midnight - 1 am. The publican usually knows himself or herself the time when it is economically viable to open or shut.

No. There should be a level playing field for every type of licensed premises, ie registered club; public house; entertainment licence, to have the ability to apply for the same type of regular extensions.

Yes, there have to be rules and guidelines.

Yes, but it must be sensible, fair and applied to a level playing field.

Yes, obviously there has to be fair legislation in place.

Yes. I think it is broadly working as it is anomalies such as public bars of hotels and also function suites should be ended. A growing trend is for nightclubs to open earlier, selling drinks at ridiculously low prices thus taking trade away from pubs, perhaps entertainment licences should be restricted to 11 pm opening at the earliest?

A clear policy applicable to all, including the requirements needed to obtain regular extensions.

Yes, providing it does not create unfair trading situations.

Should be a policy to make everyone equal.

Yes. Possible zoning of areas, ie city centre/West End/cultural quarter/residential areas etc.

We do not need a policy to work from and with, but it should be changed if and when at a local level and within a reasonable timescale.

The present policy would appear to have worked well over the years. If the one or two clear anomalies can be integrated into a new policy, then that would be ideal.

Yes, there should be a policy, if public houses and hotels without function suites but with public bars open to the street closed at the same time. There would be very few objections and closing hours would be simplified, eg public houses and above hotels close at 12 midnight, nightclubs close at 2.30 am.

Yes, it is vital that there is a policy in place to keep proper monitoring on all venues.

The availability of a clear Policy applied uniformly provides unequivocal guidance and direction to all parties. The absence of such a policy could result in a continuous questioning of practices and there would be no base upon which any decisions could be reliably made.

**QUESTION 10****Do you have any other comments?**

Stop changing the policy. Enforce the present policy more rigidly.

It is often the case that better endorsement of existing policies is what is required rather than formulation of new policies or additional policies. If there was to be no policy at all then certain laws should be reviewed in order that premises are run for the good of the community and with/by responsible people.

I feel that if the demand is there, go for it. I would say that points raised - taxis, food outlets to many people on the streets:-

1. Put on special buses or more taxis (work makes money)
2. Food outlets would make money
3. If there is a problem with people on the streets, police the streets.

It may bring life back into the streets of Dundee

1. The effect of extended opening hours in the wider community - creates problems of the management of groups of young people - separate from the normal management of residences.
2. Cheap drink promotions are being used to excess and have a damaging effect on the behaviour of customers.
3. There is a need for parity to encourage healthy competition based on the quality of facilities and not just on price.

£2.50 minimum door charge kept in place to ensure there is a level playing field - pubs to remain at 12 am closing to keep in place the 2½ hour gap between pubs and nightclubs. Also think that a pub watch scheme be introduced to the city centre.

The £2.50 minimum door charge to be kept in place. Two and a half hour gap between clubs and pubs to be kept in place.

I would suggest the overall licensing procedures in Dundee are generally good but it is very pleasing to note the Licensing Board are looking to possibly take action if needed.

Only to say I find the licensing office in Dundee very helpful and have no problems with existing policy.

Anyone who is drunk or appears to be drunk should not be served drink (the Law). Why are so many drunks about?

Firm control of licensed premises shouldn't slacken for sake of patrons and staff, also especially for residents or public close by premises.

Proper food should be available.

More provision of family rooms in pub when children can be admitted with parents.

Provisions for extensions and the current opening hours seem to be as flexible as we should get. We must ensure that we protect residents and neighbours and could not agree with any further relaxation.

A more consistent approach to permitted hours and extensions is necessary, particularly in terms of proximity to other licensed premises of similar or different licence types. This might stop the element of migration from one premises at it closes at the end of its permitted hours to the hotel or disco along the road which is still open because of a different policy applied to that licence type. A consistency in permitted hours throughout the range of licence types would allow licensees to regulate their own opening hours and allow the public to choose how they wish to spend their leisure time.

Pubs are open late enough as it is. When I apply for occasionals, I had to stop using them because the bar empties at midnight.

The status quo would suffice.

Extensions are meant to be justified individually and not given on encouragement for them to apply for a blanket grant for whole city, eg New Year.

I was a drunk for years and it came to an end 26 years ago so I know what pubs and clubs can do to people. I have been to Hell and back but am glad today to have a loving family that came through it all with me. My young lass is married now, my son is married and I am left with one son on the way to being married. I would give my story to anyone that felt it would help stop late night drinking.

Why tamper in a major way with a system that appears on balance to work well? Licensing Board require some credit for dealing with difficult parties and the Licensing Board require their function and power enhance, varied and adjusted on solid evidence brought out, for example, by police authorities and neighbourhood experience.

Some people don't have a choice where they live and still try to go about their everyday life next to or above a public house. It used to be eleven then twelve. Where does it end? Weekends are the worst but the drinking time is up to the powers that be.

It is not so long ago that a councillor commented in the newspaper that the Council had a part to play in drink related crime on the streets. The Licensing Committee has that influence. Social changes not only "so called demand for drink and entertainment" but also includes noise, nuisance, vandalism, urinating, vomit, litter, all in, on and around licensed premises. Ask anyone, particularly the nearby residents. Extending hours also has an effect on health to residents and employees and is also likely to lead to requests for extension to hours from the "take-away" trade and this just exacerbates existing problems. If the Licensing Committee is not going to impose stricter conditions, then the current policy should stay.

More police activity on premises that continue to sell alcohol after the permitted time.

Dundee has a licensing policy many years out of date compared to any other city in the UK (probably Europe) and it is well past time to review it. Many older people do not wish to go to nightclubs and it is ridiculous that they have to stop a night out before every one else in Britain.

I don't think there's a huge demand for pubs to be open until 1 am. In my area (Hawkhill/Westport) I've noticed that extensions at holiday weekends and the like have been used less over the last 2 or 3 years, compared to when they first became available. More people take up occasional extensions than actually use them - I suspect that this would be the case where regular extensions to 1 am. Often the late licence adds to the wage bill without yielding extra turnover.

Please just simplify the policy.

My belief is that we are too rigid/restricted in operation of licensing hours (they do need a measure of control). However, in certain instances we are too inflexible. Consider one of the city football teams playing away from home with a relatively early kick-off. Why can't/shouldn't these supporters meet at 10am and have a sociable drink before departing the city at 11 am - 12 Noon.

Should be more restrictions as opposed to extensions to the hours of licensed premises. Greater focus should be on social clubs who, in my opinion, disregard the laws.

I feel that the last meetings of the Licensing Board have shown that there is a general feeling that a change would be welcome by most people in this business. Not a drastic change, but a more liberal approach at the weekends.

Simpler and more uniform system for issuing licences.

I have always found Dundee licensing hours quite relaxed. Consideration for housing tenants has to be taken into account, but social habits are changing especially at weekends.

Everyone should have same hours, but business will donate what hours the individual outlet uses.

Allowing regular later extensions would permit publicans to utilise their space better (eg lounge bars could be used for functions) allowing better service to the public.

I think it is time to change to a more European style law for public houses.

Relaxing of policy in other cities, if controlled, is a success story, ie Aberdeen/Edinburgh. We are now left behind. We need to address this urgently.

It is likely that the Scottish Licensed Trade Association will succeed in its representations to the Scottish Executive in an extension to drinking up time to 30 minutes (now only 15). The proponents of this issue of granting pubs the same opening hours as hotels say "All we want is a level playing field." To use a further footballing metaphor, what they are asking for is to "move the goalposts". Most late opening hotels are in the Ferry which is a jewel in the crown of Tayside's tourist assets. For half a century, the night life here has been uniquely successful due to diversity offered by well-run pubs, complemented by later opening hotel bars.

In these modern times we publicans must be flexible and allow the public to have refreshment when they want, not just when we/Board decide!

I think, like a lot of publicans, that the licensing law is old fashioned and does not keep up to date with changing trends quickly enough. This applies for Deacon Brodies as well.

Any policy should be governed by the facilities which premises provide rather than an arbitrary distinction between types of licence.

If Dundee Council only offers later licences to clubs where they are having to contend with high numbers of customers it is little wonder that there are a number of drink-related crimes. If small public houses can provide a safer, more controlled environment with relaxed entertainment, it may take some of the pressure off nightclubs, police, Dundee Council and Dundee's community.

In the interests of fairness and equality it is considered that the public bars of hotel premises should be aligned with public houses. If public houses were given extended hours to 01.00 hours, it may be that premises with entertainment licences would seek to maintain the traditional two and a half hours differential between these types of premises and apply to extend opening hours until 03.30 hours.

As a consequence, late hours catering establishments may seek to extend the operating hours and apply for and be granted extended hours for this additional hour. This may have a bearing on the potential for rowdy behaviour and general street disorder over this extended period. Whilst such behaviour would initially be restricted to the City Centre area, there is little doubt that such disruption would continue as persons make their various ways home, thereby disturbing the wider community.

In the light of experience it is recommended that the wording of the conditions attached to entertainment licences be reviewed and revised to ensure that there are no ambiguities or the possibility of legal debate regarding the interpretation of such terminology. An example of this is with regard to the minimum charge to be levied for entrance to such premises. Reference to "will be" as opposed to "should be" removes any possible misinterpretation of the intention of such conditions.

Any changes should be made in an effort to make things simple and easily understood by all.